

REMARKS/ARGUMENTS

Upon entry of the above amendment, claims 23, 26 and 30 will have been amended for consideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant thanks the Examiner for the detailed Official Action he provided.

Turning to the merits of the action, claims 17-20, and 29 stand rejected under 35 U.S.C §102(e) as being anticipated by U.S. Patent No. 6,581,092 to MOTOYAMA et al. In this regard, Applicant notes that the Examiner refers to MOTOYAMA et al. as being U.S. Patent 6,308,205, while the PTO-892 Form attached to the Office Action lists the document as U.S. Patent 6,581,092. Applicant further notes that the Applicant of U.S. Patent 6,308,205 is other than MOTOYAMA et al. Accordingly, the Examiner is requested to confirm that this rejection is with respect to U.S. Patent 6,581,092 to MOTOYAMA et al. Further, should the Examiner have intended to reject the claims over U.S. Patent 6,308,205 to CARCERANO et al., the Examiner is requested to issue a new Office Action that sets forth the specific grounds for rejecting claims 17-20 and 29 over CARCERANO et al.

Claims 23, 24, 26, 30 and 31 stand rejected under 35 U.S.C §102(e) as being anticipated by U.S. Patent No. 6,308,205 to CARCERANO et al.

Claims 22, 25, 27, and 28 stand rejected under 35 U.S.C §103(a) as being unpatentable over CARCERANO et al. in view of U.S. Patent No. 7,012,708 to TAMARU et al.

Applicant respectfully traverses both grounds of rejection for the reasons to be discussed below.

As noted above, Applicant has amended claims 23 and 30 for the Examiner's consideration. Claim 26 is amended to correct a minor error therein. Applicant respectfully traverses the above rejections based on the pending claims, and will discuss the rejections with respect to the pending claims in the present application, as will be set forth hereinbelow.

Applicant's invention, as defined by the claims, generally relate to a transmitting apparatus which communicates with a receiving apparatus. According to the presently claimed invention, the receiving apparatus exchanges data with a monitor apparatus that monitors a status of the receiving apparatus. The transmitting apparatus includes a receiver that receives, from the monitoring apparatus, status information of the receiving apparatus, and a memory that stores the status information of the receiving apparatus. The transmitting apparatus further includes a controller that checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. The controller notifies a user of the transmitting apparatus of the status information of the

receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus. The controller additionally transmits the data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus.

With respect to the rejection of claims 17-20, and 29 under 35 U.S.C. §102(e), Applicant submits that MOTOYAMA et al. relate to a system including a service machine which monitors a device, e.g., a printer, and transmits, to an end user, information regarding the end user's resource usage (see, for example, col.9, lines 30-43).

Applicant submits that MOTOYAMA et al. does not disclose at least a transmitting apparatus that checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and to notify, to a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus. Applicant also submits that MOTOYAMA et al. does not disclose at least a transmitting apparatus that transmits the data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus.

Applicant submits that in MOTOYAMA et al., a Service Center 502 monitors use of Printer A 602 and Printer B 604, and transmits, to a Resource Administration station

610, resource usage information at predetermined times or upon the occurrence of predetermined events, such as, for example, when a particular end user is approaching a predetermined limit on a number of pages allowed to be printed by the user. For example, warning message may be sent when the user reaches 90 % of a predetermined limit amount of usage. When a user exceeds predetermined limits, the user may be prohibited from any further resource usage (col.14, lines 34-57). In other words, MOTOYAMA et al. merely teaches that the Service Center 502 monitors use of Printer A 602 and Printer B 604, and transmits, to the Resource Administration station, resource usage information. Further, regarding operations of the end user, MOTOYAMA et al. merely teaches that if a user exceeds predetermined limits, the user may, for example, be permitted to complete the current job and then be prohibited from any further resource usage, or the user may be allowed to request a new, higher limit (col.14, lines 53-57).

In view of the above, Applicant submits that MOTOYAMA et al. fails to disclose (or even suggest) a transmitting apparatus that checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. Applicant also submits that MOTOYAMA et al. fails to disclose a transmitting apparatus that notifies, to a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus. Applicant further submits that MOTOYAMA et al. does not disclose that a transmitting apparatus

transmits data to the receiving apparatus when it is determined that the receiving apparatus is available, based on status information of the receiving apparatus stored in a memory of the transmitting apparatus.

On the other hand, the presently claimed invention, as defined by independent claims 17 and 29, is directed to a transmitting machine which checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus, when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus and notifies, to a user of the transmitting machine, the status information of a receiving machine prior to (e.g., before) transmitting the transmitting data to the receiving machine. The transmitting apparatus transmits the data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus. As a result, the user of the transmitting machine of the present invention can, for example, avoid transmitting the transmitting data to a receiving machine which can not receive the transmitting data. Applicant submits that MOTOYAMA et al. does not contain any disclosure about at least these features of the presently claimed invention, nor are these features suggested by the applied art of record.

Accordingly, Applicant submits that MOTOYAMA et al. fail to anticipate the presently claimed invention, as MOTOYAMA et al. fails to teach each and every feature recited in Applicant's claims.

In the view of the above, Applicant submits that the ground for the 35 U.S.C. §102(e) rejection of claims 17-20 and 29 no longer exists. Accordingly, the Examiner is respectfully requested to withdraw this ground of rejection.

With respect to the rejection of claims 23, 24, 26, 30, and 31 under 35 U.S.C. §102(e), Applicant submits that CARCERANO relates to a management system for viewing and updating a configuration of one or more network devices connected to a network. In the system of CARCERANO et al., each of the network devices is repeatedly polled over the network by a network management server for configuration information, and this information is stored in a database of the network management server. The network management server receives a request from a web browser for status or configuration information about a targeted network device. The network management server generates a response to the request based on the database, rather than on information obtained directly from the targeted network device (see, for example, col.2, lines 12-21). The response to the request is received at the web browser from the network management server. The response is HTML code representative of a visual display of configuration information for the targeted network device (see, for example, col.15, lines 22-40).

Applicant submits that CARCERANO et al. fail to disclose (or even suggest) a transmitting apparatus that checks status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of

transmitting data to the receiving apparatus, and further, notifies, to a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus, as is taught by Applicant's claimed invention. Instead, Applicant submits that CARCERANO et al. disclose that when a user selects one of the network devices from the device list to view the status or configuration of a device (see steps S901-S902 of Fig.9), a browser of the user sends a URL-encoded request to the network management server (see, for example, step S903 of Fig.9), the browser receives a response to the URL-encoded request (see, for example, step S904 of Fig.9), and the browser generates a visual display or other information represented by the response (see, for example, step S905 of Fig.9 and col.15, lines 41-56). In other words, Applicant submits that CARCERANO et al. merely discloses a browser that receives status information of a targeted network device that is stored in the memory of a network management server without accessing the targeted network device when the targeted network device is selected for viewing the status or configuration of the targeted network device, and displays the status information of the targeted network device.

Furthermore, in CARCERANO et al., after the status or configuration of the targeted network device is displayed (see, for example, step S905 of Fig.9), the browser merely determines whether the user wants to change the status or configuration of the targeted network device (see, for example, step S907 of Fig.9), but does not transmit data to the targeted network device (see, for example, Fig.9 and col.15, line 57 - col.16, line

3). Thus, Applicant submit that CARCERANO et al. does not disclose a transmitting apparatus that checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and further, notifies a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus, as is taught by Applicant's claimed invention.

Applicant further submits that CARCERANO et al. fails to disclose (or even suggest) a transmitting apparatus that transmits the data to the receiving apparatus when it is determined that the receiving apparatus is available, based on status information of the receiving apparatus stored in the memory of the transmitting apparatus. Instead, Applicant submits that CARCERANO et al. teaches that after the status or configuration of the targeted network device is displayed at the browser, the browser merely determines whether the user wants to change the status or configuration of the targeted network device, but does not transmit data to the targeted network device (see, for example, steps S905 and S907 in Fig.9 and col.15, line 57 - col.16, line 3).

On the other hand, the presently claimed invention, as defined by claims 23, 24, 26, 30 and 13, is directed to a monitoring apparatus that transmits, to a predetermined transmitting apparatus, status information of the receiving apparatus, based on received destination information of the predetermined transmitting apparatus. Then, the

predetermined transmitting apparatus notifies, to a user of the predetermined transmitting apparatus, the status information of the receiving apparatus prior to (e.g., before) a transmission of transmitting data to the receiving apparatus without accessing the monitoring apparatus, and the predetermined transmitting apparatus transmits the data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus. As a result, the user of the transmitting machine of the present invention can, for example, avoid transmitting the transmitting data to a receiving machine which can not receive the transmitting data. Applicant submits that CARCERANO et al. does not contain any disclosure about at least these features of the present invention, nor are these features suggested by the applied art of record.

Accordingly, Applicant submits that CARCERANO et al. fail to anticipate the presently claimed invention, as the reference fails to teach each and every feature recited in Applicant's claims.

In the view of the above, Applicant submits that the ground for the 35 U.S.C. §102(e) rejection of claims 23, 24, 26, 30 and 31 no longer exists. Accordingly, the Examiner is respectfully requested to withdraw this ground of rejection.

With respect to the rejection of claims 22, 25, 27, 28 and 32 under 35 U.S.C. §103(a), Applicant submits that TAMARU et al. fail to disclose that which is lacking in CARCERANO et al. TAMARU et al. is directed to a transmitting Internet facsimile apparatus that transmits, to a mail server via the Internet, an e-mail directed to a receiving

Internet facsimile apparatus and that transmits, to the receiving Internet facsimile apparatus, a predetermined notice indicating that the transmitting Internet facsimile apparatus has transmitted the e-mail directed to the receiving Internet facsimile apparatus. As the Examiner asserted in the outstanding Official Action of December 21, 2006, TAMARU et al. teaches that the IFAX on the transmitting end transmits a mail transmission notice to the IFAX at the receiving end.

However, Applicant submits that TAMARU et al. fail to disclose (or even suggest) a controller that checks status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and notifies, to a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus. Rather, Applicant submits that TAMARU et al. merely disclose a transmitting Internet facsimile apparatus that transmits, to a mail server via the Internet, an e-mail directed to a receiving Internet facsimile apparatus as well as transmits, to the receiving Internet facsimile apparatus, a mail transmission notice. Thus, Applicant submits that TAMARU et al. does not contain any disclosure regarding checking of the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, as well as notifying of the status information

of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus.

Further, Applicant submits that TAMARU et al. fails to disclose (or even suggest) a controller that transmits data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus. Rather, Applicant submits that TAMARU et al. merely disclose a transmitting Internet facsimile apparatus that transmits, to a mail server via the Internet, an e-mail directed to a receiving Internet facsimile apparatus as well as transmits, to the receiving Internet facsimile apparatus, a mail transmission notice. Thus, Applicant submits that TAMARU et al. does not contain any disclosure regarding a transmission of the data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus. Applicant thus submits that TAMARU et al. does not contain any disclosure about the features of the present invention, nor are such features suggested by the applied document.

Accordingly, Applicant submits that even if one attempted to combine the teaching of CARCERANO et al. with the teaching with TAMARU et al., in the manner suggested by the Examiner, one would fail to arrive at the presently claimed invention, as such a combination would lack, at least, a transmitting apparatus that checks status information of a receiving apparatus stored in a memory without accessing a monitoring apparatus

when destination information of a receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and further, notifies the user of the transmitting apparatus of the status information of the receiving apparatus prior to (before) a transmission of the transmitting data to the receiving apparatus. Further, Applicant submits that such a combination would also lack, at least, a transmitting apparatus which transmits the data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus.

Therefore, Applicant submits that the suggested combination of CARCERANO et al. and TAMARU et al. fails to render the presently claimed invention, as defined by claims 22, 25, 27, 28 and 32 obvious, and thus, respectfully requests that the 35 U.S.C. §103(a) rejection of claims 22, 23, 27 and 28 be withdrawn.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and an indication of the allowability of all the claims pending in the present application in due course.

Further, pursuant to M.P.E.P. §714.13, Applicant asserts that the present amendment places the application in condition for allowance, or alternatively, in better condition for appeal. Further, the amendments to the claims do not require further search and/or consideration, and no additional claims have been added. Thus, Applicant submits that entry of the presently submitted amendment is appropriate, and respectfully requests the entry of the present amendment.

SUMMARY AND CONCLUSION

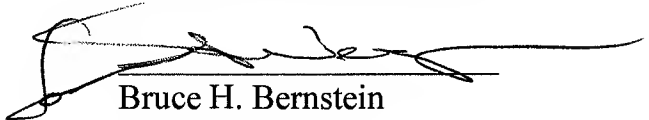
Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has done so. Applicant has amended the rejected claims for consideration by the Examiner. With respect to the pending claims, Applicant has pointed out patentable features thereof and has contrasted features of the pending claims with the disclosures of the references. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all the claims in the present application, and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Takefumi WAKABAYASHI

A handwritten signature in black ink, appearing to read "Bruce H. Bernstein", written over a horizontal line.

Bruce H. Bernstein
Reg. No. 29,027

Steven Wegman
Reg. No. 31,438

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191